

Admin.

January 26, 2023

Memorandum 2023-8

Minutes of Meeting on January 19, 2023 (Draft)

The California Law Revision Commission held a meeting on January 19, 2023, by teleconference.¹ A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.² As a means of observing that rule, the Commission is only listing teleconference attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov't Code § 11124.

DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
January 19, 2023

A meeting of the California Law Revision Commission was held on January 19, 2023. The meeting was held as an online video webinar. Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified.

Commission:

Present: David A. Carrillo, Chairperson
Amb. (r.) David Huebner, Vice-Chairperson
Xochitl Carrion
Ana Cubas
Cara Jenkins, Legislative Counsel
Victor King
Jane McAllister
Richard Simpson

Absent: Assembly Member Ash Kalra
Senator Richard D. Roth

Staff: Brian Hebert, Executive Director
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel

Invited Speakers: Betsy Butler, California Women's Law Center
Thomas Greene
Senator Connie Leyva
Kathy Spillar, Feminist Majority

Other Persons:

June Barlow
Wendy Bodgan, Department of Fish and Wildlife
George Cavinta
Keith Cialino
Amir Dezfuli
Kathleen Foote
Lee Hepner
Edward Howard
Garrett Jensen
Cheryl Johnson
Gurpreet Kaur

1 Melissa Miller-Henson, Fish and Game Commission
2 Stephanie Mitchell
3 Tepring Piquado
4 Dan Robbins
5 Jennifer Roe
6 Tracy Rosenberg
7 Aniko Sherry
8 Paul Woods
9 David Woodsmall, Department of Fish and Wildlife
10 Mike Yaun, Fish and Game Commission

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APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

MINUTES

The Commission considered Memorandum 2023-1, presenting draft Minutes of the November 17, 2022, meeting. The Commission approved the Minutes without change.

(Commissioner Carrion was not present when this decision was made.)

ADMINISTRATIVE MATTERS

Report of Executive Director

The Executive Director reported on the following matters:

- 1 • The terms of Commissioners Carrillo, King, McAllister, and
2 Simpson expire on October 1, 2023.
- 3 • The Executive Director intends to retire on October 26, 2023. The
4 Executive Director recommended that his successor not change the
5 following existing practices regarding the Committee on Revision
6 of the Penal Code: (1) The work of the legal staff is primarily
7 directed by the Committee's chair, subject to the Executive
8 Director's oversight. (2) The legal staff conduct their work
9 remotely.
- 10 • A budget change proposal, which would have moved the
11 Commission to the State Library for administrative purposes, was
12 not approved for inclusion in the Governor's budget.

13 **Commissioner Suggestions**

14 There were no suggestions from Commissioners.

15 **Open Government Laws**

16 The Commission considered Memorandum 2023-2, summarizing "open
17 government" laws applicable to the Commission. No Commission action was
18 required or taken.

19 **Annual Report**

20 The Commission considered Memorandum 2023-3, presenting a staff draft of
21 the body of the Commission's 2022-23 Annual Report, and the appendix that
22 contains Commissioner biographies.

23 The Commission approved the report for publication and distribution to the
24 Legislature and the Governor, after the staff implements technical changes
25 directed by the Commission and finalizes the other appendices to the report.

26 In connection with this, the staff expressed a general intention to use gender-
27 neutral pronouns in its written work, with an exception for persons who have
28 expressed a contrary instruction.

29 **2023 LEGISLATIVE PROGRAM**

30 The Commission considered Memorandum 2023-4, discussing the
31 Commission's 2023 legislative program. The staff noted that the Deputy
32 Legislative Counsel who prepared the bill draft on administrative subpoenas
33 made some minor stylistic and terminological changes from the Commission's
34 language. The staff expressed its intention to revise the Commission's
35 recommendation to conform to those changes.

1 No Commission action was required or taken.

2 STUDY B-750 — ANTITRUST LAW

3 Thomas Greene made a presentation to the Commission on “Overview of
4 Antitrust.”

5 The Commission also considered Memorandum 2023-7 and its First and
6 Second Supplements, which provided a status report on the staff’s work on the
7 antitrust study.

8 No Commission action was required or taken.

9 STUDY I-100 — EQUAL RIGHTS AMENDMENT

10 The Commission considered Memorandum 2023-5, presenting a status report
11 and proposed workplan for the first portion of this study.

12 For the discussion, the Commission was joined by Senator Connie Leyva,
13 who authored the resolution assigning this topic to the Commission. The
14 Commission was also joined by representatives from the organizations that
15 sponsored the resolution: Betsy Butler (Executive Director of the California
16 Women’s Law Center) and Kathy Spillar (Executive Director of Feminist
17 Majority Foundation).

18 No Commission action was required or taken.

19 STUDY R-100 — FISH AND GAME LAW

20 The Commission considered Memorandum 2023-6, presenting a revised staff
21 draft recommendation on *Fish and Game Law: Technical Revisions and Minor*
22 *Substantive Improvements (Part 3)*. The Commission approved all proposed
23 legislation included in the draft for inclusion in a final recommendation.
24 Approval of the narrative part of the draft recommendation was postponed until
25 the February 2023 meeting.

26 The Commission did not consider the First Supplement to Memorandum
27 2023-6.